

District Judge Nora Barry Fischer

AND NOW, this 25th day of April, 2012;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (ECF No. 13) is **GRANTED**.

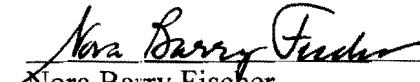
IT IS FURTHER ORDERED that Plaintiff's Motion to Amend (ECF No. 35) is **DENIED** as it would be futile to allow him the opportunity to amend.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 31) dated February 16, 2012, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Nora Barry Fischer
United States District Judge

cc: Motzie L. Clayton
JE6539
SCI Greensburg
165 SCI Lane
Greensburg, PA 15601